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6
7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
9 SAN JOSE DIVISION

10 UNITED STATES OF AMERICA,) No. CR 11-00897-EJD
11)
Plaintiff,) STIPULATION AND [~~PROPOSED~~]
12) ORDER CONTINUING SENTENCING
vs.) HEARING DATE TO DECEMBER 10, 2012
13)
JOSE HERNANDEZ-GARCIA,)
14)
Defendant.)
15 _____)

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17 **STIPULATION**

18 Defendant Jose Hernandez-Garcia, by and through Assistant Federal Public Defender
19 Varell L. Fuller, and the United States, by and through Special Assistant United States Attorney
20 Ann Marie Ursini, hereby stipulate and agree, subject to the Court's approval, that the sentencing
21 hearing currently set in this matter for Monday, December 3, 2012, at 1:30 p.m., be continued to
22 Monday, December 10, 2012, at 1:30 p.m.

23 Mr. Hernandez-Garcia has entered an open plea to one count of violating 18 U.S.C. §
24 1326, illegal reentry. A sentencing hearing is presently set in this matter for December 3, 2012,
25 and counsel for Mr. Hernandez-Garcia respectfully request a short one week continuance due to
26 a scheduling conflict. Accordingly, the defense respectfully request that the sentencing hearing

1 date be continued to December 10, 2012. United States Probation Officer Aylin Raya, who has
2 been assigned to conduct the presentence investigation, has been consulted about the requested
3 continuance and has no objection.

4
5 Dated: November 19, 2012

6 _____/s/_____
VARELL L. FULLER
7 Assistant Federal Public Defender


8 Dated November 19, 2012

9 _____/s/_____
ANN MARIE URSINI
Special Assistant United States Attorney

10 **~~PROPOSED~~ ORDER**

11 GOOD CAUSE APPEARING, and by stipulation of the parties, it is hereby ordered that
12 the sentencing hearing date set for Monday, December 3, 2012, at 1:30 p.m. is continued to
13 Monday, December 10, 2012, at 1:30 p.m.
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15 Dated: 11/20/2012

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THE HONORABLE EDWARD J. DAVILA
17 United States District Court Judge
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